

Docket No. 000744-00077

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF: SAVION et al.

GAU: 1614

SERIAL NO. 09/341,048

EXAMINER: Z.A. Fay

FILED: August 9, 1999

FOR: PHARMACEUTICAL COMPOSITIONS FOR THE TREATMENT OF THE EYE

COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

SIR:

Transmitted herewith is an amendment in the above-identified application.

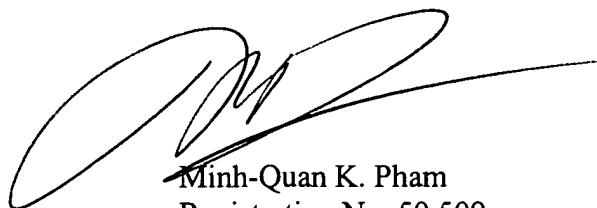
- ☒ No additional fee is required
- ☐ This application qualifies for small entity status. 37 C.F.R. §1.27.
- ☐ Additional documents filed herewith:

Claims	Claims Remaining	Highest Number Prev. Paid		Number of Extra Claims	Rate	Fee
Total	33	33	-20	0	\$18	\$0.00
Independent	2	2	-3	0	\$84	\$0.00
<input type="checkbox"/> Multiple Dependent Claims					\$280	\$0.00
TOTAL OF ABOVE CALCULATIONS						\$0.00
<input type="checkbox"/> Reduction by 50% for filing by Small Entity						\$0.00
<input type="checkbox"/> Recordation of Assignment					\$40.00	\$0.00
TOTAL						\$0.00

- ☐ A check in the amount of \_\_\_\_\_ is attached.
- ☒ Please charge any additional Fees for the papers being filed herewith and for which no check is enclosed herewith, or credit any overpayment to deposit Account No. 23-2185. A duplicate copy of this sheet is enclosed.
- ☒ If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time may be charged to Deposit Account No. 23-2185. A duplicate copy of this sheet is enclosed.

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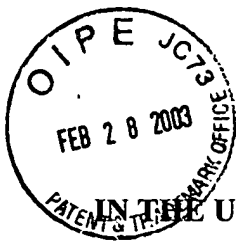
Minh-Quan K. Pham  
Registration No. 50,509



27557

PATENT TRADEMARK OFFICE

Date: February 28, 2003



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

SAVION et al.

Serial No.: 09/341,408

Filed: August 9, 1999

For: PHARMACEUTICAL  
COMPOSITIONS FOR THE  
TREATMENT OF THE EYE

Examiner: Z. A. Fay

Art Unit: 1614

Atty. Dkt. No. 000744-00077

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**RESPONSE TO NON-FINAL OFFICE ACTION**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Responsive the Office Action mailed December 2, 2002, please enter and consider the following remarks:

**REMARKS**

The Office Action mailed December 2, 2002, has been carefully considered. Claims 108-140 are pending.

**THE CLAIMS ARE NOT ANTICIPATED**

Claims 108-111, 116, 117, 133, 137 and 138 stand rejected under 35 U.S.C. § 102(b) as being anticipated by EP 0312814 (EP '814). Claims 135, 136, 139 and 140 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Levine et al., *PNAS USA*, 90:12040-12044, 1993. Applicant respectfully traverses the rejection.

To anticipate a claim, the reference must teach every element of the claim. *See* MPEP § 2131. "A claim is anticipated only if each and every element as set forth in the claim is found,